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*Libya's transition and the weight of the past*

Three years after the fall of Gaddhafi, it is worth discussing whether Libya's can still be considered a transition and where it is heading. A turning point of the 'Arab springs' in 2011, Libya was the only case of international intervention by a wide coalition that included both NATO and members of the Arab League such as Qatar and the United Arab Emirates. In 2012, while political Islam seemed to take advantage of electoral politics in the rest of North Africa (Tunisia, Egypt and to a lesser extent Morocco), Libya set a course of its own where the revolutionary discourse took precedence over the clash between political Islam and 'secular' forces.

The Egyptian coup in July 2013 brought the issue of political Islam back into Libyan politics. In 2014, Libya gradually became one of the most important battlegrounds of the regional confrontation between Egypt and some Gulf monarchies on one side, the Muslim Brotherhood, Turkey and Qatar on the other side.

The revolution, the civil war and Libya's participation in this regional confrontation can only partially explain the country's current predicament. The failure of the transition to deliver rule of law along with a modicum of government authority is the result also of some longstanding trends of Libyan history which date back to Gaddhafi's 42 years long regime and in some cases even further back in time.

*1. Libya's historical burden*

Libya's uprising in 2011 was a very localized revolution. In each city

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that was involved in the revolt, a local committee was established along with 'brigades' more or less under its control. This local nature of the rebellion persisted even in post-revolutionary Libya, with a constant clash between different cities and between the centre and the periphery.

At times, the daily news from Libya resembled the history of medieval Europe with a constant clash between seemingly city-states. The towns of Misrata and Zintan, which played a crucial role in the rebellion against Gaddhafi, were home to some of the most important revolutionary 'brigades' or 'militias' and eventually came to compete both with the government in Tripoli and between themselves to control the buildings of power and the main transportation hubs.

Local centres of power had always played a relevant role in Libya since the times of the Ottoman conquest. Only the reformers within the Karamanli dynasty (between the 18<sup>th</sup> and the 19<sup>th</sup> century) managed to mitigate this struggle<sup>1</sup>. This trend continued under Gaddhafi who made attempts to appease local centres of power (by, for example, moving the capital to Sebha for some time) and also repressed local instances as for the case of Cyrenaica.

This eastern region, named Barqa in Arabic, has a long tradition of fight for autonomy, where not for independence all together. This was initially addressed through a federalist constitution when Libya became independent in 1951. King Idris himself, eventually resided in Cyrenaica, while security forces, too, were split between Tripolitania and Barqa. This radical division of the country became untenable once widespread exploitation of oil required a centralized legislation and administrative system in order to manage the resources and grant contracts<sup>2</sup>.

Federalism was gradually abolished in the Sixties but it remained as a political utopia particularly in Cyrenaica where in 2013 it would be exploited by the former oil guards headed by Ibrahim Jadhnan who created a 'Barqa government' and eventually blockaded the oil fields in the East of the country to blackmail the central government into a different division of resources<sup>3</sup>.

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<sup>1</sup> R.B. ST. JOHN, *Libya and the United States. Two Centuries of Strife*, University of Pennsylvania Press, Philadelphia 2011, p. 20.

<sup>2</sup> For a history of modern Libya, see J. WRIGHT, *The Emergence of Libya*, Silphium Press, London 2008; R.B. ST. JOHN, *Libya. From Colony to Independence*, One World, Oxford 2008; D. VANDEWALLE, *A History of modern Libya*, Cambridge University Press, Cambridge 2012.

<sup>3</sup> On the Libyan Federalist movement, see M. ELJARH, *The Federalist Movement in a Deeply Divided Libya*, in «The Atlantic Council», Washington, 4 September 2014, <<http://www.atlanticcouncil.org/blogs/menasource/the-federalist-movement-in-a-deeply-divided-libya>> (last access 30.11.2014).

A second element of continuity is the fragmentation of security forces and the absence of a real monopoly of force. During the monarchy (1951-1969), the security sector was made up of a multitude of agencies and corps. This fragmentation was eventually one of the causes for the rapid, and almost bloodless, overthrow of the king. From Cyrenaica where he lived, King Idris had little control over the semi-autonomous security apparatus in the West, a fact that left Mu'ammār Gaddhafi almost undisturbed in plotting, organizing and implementing the coup<sup>4</sup>.

Coincidentally, Gaddhafi himself seemed to be very aware of the danger posed by strong armed forces for his survival in power and never worked to build a strong national army. Several coup attempts made in the Seventies made him even more suspicious of centralization of force until in 1980, as part of the building of the 'state of the masses', he chose to have a 'people's army', poorly trained and equipped and with a bad sense of discipline. Only 20,000 out of the official 76,000 members of the Libyan army were actually active. The international sanctions implemented gradually since the Eighties (and tightened up after the Lockerbie terrorist attack) further affected the equipment of the army. Ultimately, Gaddhafi's policy on armed forces and monopoly of force had a significant impact on post-revolutionary Libya and for two reasons: a weak national army could not guarantee peace after the collapse of the regime, while the security culture instilled by the dictatorship strongly influenced the behavior of the revolutionary militias that had fought to overthrow it. As Florence Gaub wrote, «[the armed forces had] been organised in a way that undermined their cohesiveness, with a view to protecting the regime from a military coup [...] The use of security agents for political purposes in the Jamahiriya instilled a culture in which politics and control of the security sector were entwined»<sup>5</sup>.

In parallel with a weak army, Gaddhafi developed a complex structure made up of praetorian guards, political militias and special units commanded by members of his family (such as the infamous Khamis brigade, named after his son and responsible for a large part of the repression in 2011). Revolutionary Committees tasked with political mobilization and repression added a totalitarian touch to this archipelago of forces. A third pillar of the security sector were the members of tribes loyal to the regime, or even loosely linked to it<sup>6</sup>.

<sup>4</sup> G. ACHCAR, *The People Want*, University of California Press, Oakland 2013, p. 202.

<sup>5</sup> F. GAUB, *A Libyan Recipe for Disaster*, in «Survival», vol. 56, n. 1, February-March 2014, pp. 101-120.

<sup>6</sup> ACHCAR, *The People Want*, cit.; VANDEWALLE, *A History of Modern Libya*, cit.

In fact, the peculiar role of tribes is another element of continuity between pre and post-2011 Libya. Tribal resistance to international intervention, especially from the Warfalla (the largest group in the country), made the advance of the 'revolutionaries' helped Gaddhafi hold the ground. In 2014, retired general Khalifa Heftr struck important alliances between his forces (coming mostly from parts of the army that had switched side against Gaddhafi in 2011) and crucial tribes in the East<sup>7</sup>.

The persistence of tribal dynamics is even more surprising given Gaddhafi's claim to be a moderniser. The dictator came to rely on different tribes to control the country, while pitting them one against the other when needed, applying at a very local level the principle of 'divide and rule'<sup>8</sup>. Ali Abdullah Ahmida defined this as the «re-tribalization» of the Libyan society<sup>9</sup> while Gilbert Achcar speaks of the existence of a «military tribal complex»<sup>10</sup>.

Gaddhafi's project of a 'state of the masses' (*Jamahiriyā*) for Libya had a longstanding influence on several aspects of post-regime change Libya. Under his rule, civil society organizations were almost completely forbidden, since the popular will would find his way through the system of direct democracy he championed. Particularly starting from the Seventies, his fight against Islamic scholars gradually brought to their marginalization or elimination, to the point that the country lacked an independent body of scholars of Islam at the time of the fall of the regime<sup>11</sup>.

The prohibition of political parties and the gradual disappearance of even the ruling party from the second half of the Seventies combined with open propaganda regime against the idea itself of political parties. This lives to the day and implies the absence of political parties in the two most recent elections: those for the constituent assembly in February 2014 and those for the House of Representatives (the legislature) in June of the same year. Only independent candidates were allowed to run<sup>12</sup>.

<sup>7</sup> Author's interview with Wolfgang Pusztai, security expert and former Austrian Defence Attaché in Tripoli, 22 April 2014.

<sup>8</sup> W. LACHER, *Fault Lines of the Revolution. Political Actors, Camps and Conflicts in the New Libya*, in «SWP Research Paper», 4 May 2013, <[http://www.swp-berlin.org/en/publications/swp-research-papers/swp-research-paper-detail/article/libya\\_fault\\_lines\\_of\\_the\\_revolution.html](http://www.swp-berlin.org/en/publications/swp-research-papers/swp-research-paper-detail/article/libya_fault_lines_of_the_revolution.html)> (last access 30.11.2014).

<sup>9</sup> A.A. AHMIDA, *Libya, Social Origins of Dictatorship, and the Challenge for Democracy*, in «Journal of the Middle East and Africa», vol. 3, n. 1, 2012, pp. 70-81.

<sup>10</sup> ACHCAR, *The People Want*, cit., p. 203.

<sup>11</sup> VANDEWALLE, *A History of Modern Libya*, cit., pp. 122-128.

<sup>12</sup> On the flaws of Libya's electoral laws see D. VANDEWALLE, N. JAHR, *Libya's Unexpected Strength*, in *New York Times online*, 8 May 2014, <<http://www.nytimes.com/2014/05/09/>

Ultimately, Gaddhafi thought of himself as the 'Guide' (*qa'id*) whose ideas would inform all aspects of Libyan society and politics, without any intermediate body between him and 'the masses'<sup>13</sup>. This left Libya without the modicum of democratic infrastructure which instead existed next door in Tunisia. In this organisational desert, it is no wonder that the opposition could not manage to build even an underground structure within Libya's borders for decades, which implied that the revolution had to create structures and political bodies from scratch.

The regime's infrastructure collapsed altogether with Gaddhafi's death in October 2011, leaving behind very little of its security apparatus. As rightly noted by Eberhard Kienly, this was a crucial difference with both Tunisia and Egypt<sup>14</sup>. While temporarily guaranteeing Libya from a swift return of the old regime, the collapse of the old structures and the inexistence of any alternative structure made the task of the post-revolutionary leaders much more difficult.

Despite the existence of this desert, both political and institutional, the fear of the return of the past has determined some crucial choices that affect Libya's current predicament. In fact, the 'social coalition' that supported Gaddhafi's regime almost till the end could not be wiped out altogether. Part of it survived in the cities that had supported the regime during the civil war, especially in Sirte and Bani Walid. Another relevant part can still be found in Egypt and Tunisia where Libyans are estimated in the hundreds of thousands<sup>15</sup>. As a matter of fact, despite being largely absent from the country, what remained of the old regime was a ghost haunting the 'revolutionaries'. In fact, a crucial part of the narrative of many militias was that they needed to stay in arms to fight the remnants of the old regime.

Post-civil war legislation has reflected this fear of the return of the dictatorship and his supporters. An integrity commission purged candidates to public office along with civil servants accused of being Gaddhafi's supporters. Decision number 7 taken by the General National Congress (the first post-civil war parliament) authorized the indiscriminate use of force against the city of Bani Walid, considered as a stronghold of Gaddhafi loyalists. The inhabitants of Tawergha, a town just a few km out of Misrata,

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[opinion/libyas-unexpected-strength.html?\\_r=0](#)> (last access 30.11.2014).

<sup>13</sup> For a biography of Gaddhafi, see A. DEL BOCA, *Gheddafi. Una sfida dal deserto*, Laterza, Bari 2010.

<sup>14</sup> E. KIENLY, *Les 'révolutions' arabes*, in «Critique internationale», n. 54, 2012/1, p. 106.

<sup>15</sup> LACHER, *Fault Lines of the Revolution*, cit., estimates these communities of exiles in around one million people.

were punished with internal displacement and harassment because some of them supported Gaddhafi's militias<sup>16</sup>.

A number of laws were approved using Gaddhafi's legislation in order to 'protect the revolution' against its enemies. Freedom of speech was curtailed by some times only changing the name of the revolution from that of 1969 (the Great Fateh revolution) to that of 17 February 2011. This was the case of the amendment to article 195 of the Penal Code which forbade all criticism of the '17 February revolution' or insults to officials<sup>17</sup>.

Eventually, this fear for the return of the old regime hit also within the ranks of the 'revolutionaries' which were separated between those who had always opposed the regime (particularly the Islamists or those too young to have worked for it) and the figures from within the regime or the public service which broke ranks with it during the revolution. These were the target of the *Political isolation law* approved by parliament under pressure from some 'revolutionary' militias on 5 May 2013<sup>18</sup>. This was a watershed moment in which the acting head of state Mohamed Mogarief and the leader of the largest anti-Brotherhood party, Mahmoud Jibril of the National Forces Alliance, were ousted from office thanks to this bill approved at gunpoint.

Coincidentally, this law represented some of the most important elements of the revolution that eventually overthrew Gaddhafi: the coexistence of young armed revolutionaries with a mostly local power base; top figures from the old regime who had defected in the early days of the revolt; a 'civil society' that was a mix between completely new and inexperienced organizations and Libyan exiles. Eventually, the winner takes all approach to politics which Gaddhafi had implemented for 42 years became the logic behind the struggle between the first two groups, to which the third group eventually fell victim.

To understand how this could happen, one has to look at how Gaddhafi was overthrown through a mix of a popular revolution, a civil

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<sup>16</sup> For a background on Libya's Internally Displaced People, see *Many IDPs return but concerns persist for certain displaced groups*, IDMC (Internal Displacement Monitoring Center), 7 November 2011, <<http://www.internal-displacement.org/middle-east-and-north-africa/libya/2011/many-idps-return-but-concerns-persist-for-certain-displaced-groups/>> (last access 30.11.2014).

<sup>17</sup> AMNESTY INTERNATIONAL, *Libya: Three years on, Gaddafi-era laws used to clamp down on free expression*, 12 February 2014, <<http://www.amnesty.org/en/news/libya-three-years-gaddafi-era-laws-used-clamp-down-free-expression-2014-02-13>> (last access 30.11.2014).

<sup>18</sup> A. DWORKIN, *The Struggle for Pluralism after the North African Revolutions*, European Council for Foreign Relations, 27 March 2013, <[http://www.ecfr.eu/publications/summary/the\\_struggle\\_for\\_pluralism\\_after\\_the\\_north\\_african\\_revolutions\\_201](http://www.ecfr.eu/publications/summary/the_struggle_for_pluralism_after_the_north_african_revolutions_201)> (last access 30.11.2014).

war between armed groups and the old regime and an international intervention which grouped together NATO with Arab countries such as Qatar and the United Arab Emirates which eventually became competitors.

## *2. Evolution and international intervention*

Even in its relationship with the region, Libya's transition made a full circle. Influenced by the uprisings in Tunisia and in Egypt in 2011, it would be hit by the shockwaves of the Egyptian coup starting from the summer of 2013 and, contrary to Tunisia, did not manage to find a negotiated solution to the struggle between different political factions – which in Libya's case were also a lot more heavily armed than in Tunisia, and with regards to Islamists, to Egypt.

The establishment of Libyan underground opposition groups started in January 2011, at the time of Ben Ali's downfall and while Egyptians were preparing their 25 January revolution. Opposition to Gadhafi could only start from the outside, given the mix of political repression and apathy that governed the country. The National Conference for the Libyan Opposition worked from London and declared a 'day of rage' for 17 February, with demonstrations both within and outside of Libya. Two days before that, a small protest against the arrest of a well-known human rights lawyer in Benghazi (Fathi Terbil) evolved into a mass demonstration and eventually into widespread violence in which several protestors were injured and a police station was set on fire. Contrary to Syria where peaceful demonstrations lasted for months in the face of the regime's violent repression, Libya's 'revolution' quickly turned violent in a matter of days. Buildings of the government and of the fragmented security apparatus were assaulted and arms taken by the *thuwwar*, or revolutionaries as those carrying out the rebellion would come to be called<sup>19</sup>.

Each city fought a revolution of its own, establishing its own military council to direct the rebellion. These city military councils were the heart of the rebellion and differed greatly in composition, origin and sometimes in their goals. They provided also services and «ensured supplies of vital necessities» while protecting the population from the regime. Those city militias which had the most important role during the 'revolution' would

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<sup>19</sup> B. McQUINN, *Assessing (In)security after the Arab Spring: The Case of Libya*, in «Political Science and Politics», vol. 46, n. 4, pp. 716-721.



then be the kingmakers of the post-conflict, post-regime change phase. This would be particularly true for the cities of Misrata and Zintan which endured the toughest part of the fighting and eventually liberated the capital. What started as small units to defend local communities eventually developed into fully-fledged brigades<sup>20</sup>.

Simultaneously with these crucial developments at the local level, the national and international stage was taken by the National Transitional Council which soon came to be recognized by the US and some European countries as the legitimate representative of the Libyan opposition and eventually of the Libyan state altogether. The NTC was a mixed bag of former members of the regime who had defected from it along with longstanding Libyan exiles and prominent personalities. The nature of the NTC remained nebulous for its whole existence: until its dissolution in the summer of 2012, the exact number and the identity of its members remained unknown<sup>21</sup>. Moreover, rapidity in gaining international recognition did not match the ability to establish close relations with local militias and brigades leading the revolution<sup>22</sup>.

The NTC's legitimacy rested mostly on its capacity to act as a mediator between the international community and the revolutionary brigades, although its grip on the local level was far from complete. Nevertheless, the Libyan NTC was used as a model in Syria where several attempts were made to create such a univocal organization of the opposition to the regime.

Yet, the NTC and the Libyan 'revolution' were far from being a completely successful model. Their struggle against Gaddhafi was not always triumphal and internal fights were often dramatic with the murder of top ranking officials by other members of the revolution.

This, despite the virulent reaction from the regime which one would think would unite the opposition. Gaddhafi never even hinted to a political solution in his speeches. In a famous speech broadcasted on national TV just days after the beginning of the uprising, he called the rebels «cockroaches» and incited the public to «capture the rats»<sup>23</sup>. After an initial success in their march from Cyrenaica to Tripoli, the rebels were pushed back by loyalists until in mid-March the city of Benghazi, where the uprising had started just one

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<sup>20</sup> LACHER, *Fault Lines of the Revolution*, cit., p. 17.

<sup>21</sup> British School at Rome, *Libya: what happened and what's next?*, Workshop under Chatham House rule, May 25, 2012 [hereby BSR workshop].

<sup>22</sup> LACHER, *Fault Lines of the Revolution*, cit., p. 9.

<sup>23</sup> A. BARKER, *Raging Gaddafi orders forces to capture the rats*, Australian Broadcasting Company, 23 February 2011, available at <<http://www.abc.net.au/news/2011-02-23/raging-gaddafi-orders-forces-to-capture-the-rats/1953788>> (last access 30.11.2014).



month before, was threatened by Qadhafi in a radio address in which he vowed «We will come neighbourhood by neighbourhood, house by house, room by room. We will find you in your closets»<sup>24</sup>.

French President Nicholas Sarkozy wondered on TV whether Benghazi would turn into another Srebrenica, the Bosnian town where UN peacekeepers refused to intervene while Serbian militias slaughtered several thousand Bosnian Muslims<sup>25</sup>. Together with British Prime Minister David Cameron, Nicholas Sarkozy would be the driving force behind the international intervention in Libya.

On 17 March, the UN Security Council approved a landmark resolution (UNSCR 1973) on Libya with the support of China and Russia<sup>26</sup>. The authorization for the use of force in paragraph 4, contained the main elements of both the international intervention and its aftermath. It authorized

Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures [...] to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory.

The language of this resolution should be kept in mind when assessing Western and Arab behaviour in the aftermath of Gaddhafi's fall. In fact, UNSCR 1973 clearly excluded a foreign occupation of the country, thus the presence of «boots on the ground» and a full scale invasion. The resolution limited the expression «all necessary measures» by specifying what was authorized: a no-fly zone, the enforcement of an arms embargo and an asset freeze for members of the regime. Without these very clear limitations on the scope and duration of the mission it would have probably never been approved by all members of the Council, specifically by Russia and China.

<sup>24</sup> J.P. FORD ROJAS, *Muammar Gaddafi in his own words*, in *The Daily Telegraph*, 20 October 2011, <<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8838644/Muammar-Gaddafi-in-his-own-words.html>> (last access 30.11.2014).

<sup>25</sup> «Benghazi could have been second Srebrenica without military action, says Sarkozy», *EurActiv*, 25 March 2011, <<http://youtu.be/MyCw4De1Hk>> (last access 30.11.2014).

<sup>26</sup> UN Security Council Resolution 1973, adopted on 17 March 2011, <<http://daccess-dds.ny.un.org/doc/UNDOC/GEN/N11/268/39/PDF/N1126839.pdf?OpenElement>> (last access 30.11.2014).

What resulted from UNSCR 1973 was a multifaceted coalition which included both NATO and the Arab League, with the notable participation of Qatar and the United Arab Emirates which gave an Arab face to 'Operation Unified Protector' (this was the technical name) that had been lacking to the invasion of Iraq in 2003. A second crucial difference was the role of Libyan expatriates which provided funds, leadership and political support incomparable to the US operation in Mesopotamia. This would play a significant role in the Libyan transition when more than one post-civil war Prime Minister would come from the diaspora, lacking a clear domestic power base in a country where all political actors had both (often local) popular support and arms<sup>27</sup>.

Qatar was the star of the moment, also because of the role that its pan-Arab satellite channel Al Jazeera had played in the uprisings<sup>28</sup>. The Persian Gulf country admittedly went beyond the mandate of the UN resolution and deployed special forces on the ground. Qatar's crucial role was explained by Mustafa Abdul Jalil, the head of the National Transitional Council when he said that «the battles which ultimately led to victory were planned by Qatari officers since the rebels, mostly civilians without any military background, were incapable of organizing professional forces»<sup>29</sup>.

While the Responsibility to Protect had ostensibly been the trigger of the intervention, it was an open secret that many in Europe, along with almost the totality of the Arab League, wanted Gadhafi gone. As one senior European diplomat put it a year later, «it is impossible to protect the civilian population without fighting the regime that puts it in danger»<sup>30</sup>.

Consequently, the focus of *Operation Unified Protector* (OUP) soon shifted from protecting the civilian population to overthrowing the regime that was the cause of this threat. On 14 April, the Foreign Ministers of NATO and of the other partners of OUP decided to «strongly» endorse the Contact Group's call for Qadhafi to leave power<sup>31</sup>.

Despite its internal divisions and thanks also to the air and ground support provided by NATO and the Arab League, the Libyan opposition

<sup>27</sup> BSR workshop.

<sup>28</sup> On Al Jazeera and the Arab uprisings, see ACHCAR, *The People Want*, cit., pp. 108-113.

<sup>29</sup> F. GAUB, *Six Strategic Lessons learned from Libya: Nato's Operation Unified Protector*, Nato Defence College Research Report, March 2012, p. 2.

<sup>30</sup> Author's Conversation with senior European official, 24 May 2012.

<sup>31</sup> NATO: Statement on Libya, 14 April 2011, <[http://www.nato.int/cps/en/natolive/official\\_texts\\_72544.htm](http://www.nato.int/cps/en/natolive/official_texts_72544.htm)> (last access 30.11.2014); The «contact group on Libya» was formed in London in March 2011 and included all NATO and Arab League countries that supported the opposition National Transitional Council along with the UN. It gradually evolved into the group of 'Friends of Libya' which still meets annually.

eventually prevailed. Between August and October 2011, Tripoli was liberated and Gaddhafi was killed.

On 23 October, Mustafa Abdul Jalil declared the liberation of the country and the end of the civil war. One week later Operation Unified Protector was terminated while the NTC refused any UN troops outright<sup>32</sup>. UNSCR 1973 did not allow for any «foreign occupation» of the country and therefore absent any explicit request from the internationally recognized Libyan authorities (ie. the NTC), it was impossible to establish a NATO or Arab League presence in the country.

### *3. The wasted opportunity: post-revolutionary Libya*

The melting down of Gaddhafi's state apparatus made the Libyan transition different from Tunisia and Egypt but it also added more complexity. 'Revolutionaries' had to keep law and order in the absence of the police and with a national army that was made up mostly of officers and lacked a real presence on the ground throughout Libya, except for few areas where its authority was far from being uncontested.

Political authority was officially in the hands of the National Transitional Council but the local councils that had fought in the civil war kept their authority intact. Also, having political authority did not immediately translate into having actual power over the country because of the melting down of the administrative and military structure. The gap between a political decision and its implementation was wider than ever.

Even under Gaddhafi, Libya was a stateless society<sup>33</sup> with a personal regime and an administrative structure that was almost non-existent and constantly despised by 'the Guide'. The problem of the Libyan transition was therefore not how to pass power from the military to the civilians as in Tunisia and Egypt but how to build a state structure from scratch<sup>34</sup>.

Nevertheless, as in the two North African neighbours, the months immediately following the fall of the old regime saw a rise in crime and violence due to the absence of a real monopoly of force. Building a neutral security sector under the rule of law was therefore a priority. The *thuwwar* (revolutionaries) who had fought against Gaddhafi did not demobilize.

<sup>32</sup> GAUB, *A Libyan Recipe for Disaster*, cit., p. 104.

<sup>33</sup> VANDEWALLE, *A History of Modern Libya*, cit., p. 96.

<sup>34</sup> BSR workshop.

On the contrary, the decisions of the NTC were moving all in the same direction: the 'integration' of the *thuwwar* into the state security sector.

In October 2011, the NTC created the Supreme Security Committee which was formally part of the Interior Ministry and aimed at transforming the *thuwwar* into policemen. It was made up of 100.000 men coming almost exclusively from the revolutionary militias which therefore started to receive a government salary. «Provisionally created to provide security, the body has been recognised as a threat in its own right» because of its attacks against Sufi shrines, foreign embassies and state institutions<sup>35</sup>. Parallel to this peculiar «police force», the NTC started to create from March 2012 a parallel army called «Libya shield». This exists to date and it is made up mostly of militiamen from Misrata or close to Islamist forces of all strands. Not by chance, the new fighting which erupted in the summer of 2014 pitted the official Libyan army against the parallel army (the Libya Shield) created by the 'revolutionaries'<sup>36</sup>.

If this 'integration' of 'revolutionaries' into the army was not difficult enough, a crucial element was added: they were integrated as entire battalions, keeping intact their chain of command and their commanders<sup>37</sup>. Rather than creating a monopoly of force, this ill-devised 'integration' laid the ground for the subsequent chaos, providing a state salary to a multitude of paramilitary forces, with little or no training, no sense of loyalty to the government and often conflicting agendas.

Ultimately, the integration worked the other way around: what little was left of the state structure (particularly resources and structures of political representation) were integrated into the 'revolutionary' militias, with their deeply local and chaotic structure. Libyans never called these 'integrated forces' an army (the Arabic word *gish* continued to be used only for those elements of the old Gaddhafi's army that had supported the revolution) but instead used either the word *thuwwar* or militia.

Militias did not respond to the national government but rather to their local military or civilian councils. In Tripoli, they referred to specific members of the NTC or, after the July 2012 elections, to single members

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<sup>35</sup> GAUB, *A Libyan Recipe for Disaster*, cit, pp. 107-108.

<sup>36</sup> For a map of Libya's post-revolutionary armed groups and their evolution, see *Armed Groups in Libya: Typology and Roles*, in «Small Arms Survey», Geneva 2012, <[http://www.smallarmssurvey.org/fileadmin/docs/H-Research\\_Notes/SAS-Research-Note-18.pdf](http://www.smallarmssurvey.org/fileadmin/docs/H-Research_Notes/SAS-Research-Note-18.pdf)> (last access 30.11.2014).

<sup>37</sup> K. MEZRAN, F. LAMEN, *Security Challenges to Libya's Quest for Democracy*, 12 September 2012, Rafik Hariri Center for the Middle East at the Atlantic Council, <<http://www.acus.org/publication/security-challenges-libyas-quest-democracy>> (last access 30.11.2014).

of the parliament, the General National Congress (GNC). The executive branch was the result of a peculiar spoil system in which ministries and the civil service were divided among competing militias, particularly those from Misrata and Zintan that had played the most important role in the fighting against the old regime.

Initially, a significant part of the pacification of the country was outsourced to local notables or heads of relevant families. The *Hukama'* (Arabic for wise men) used the shared Islamic identity to negotiate deals between competing groups or individuals. They made use of social pressure, conventions and 'reconciliation councils' to bring an often fragile peace between hot heads. *Hukama'* were sometimes encouraged by the NTC to establish civilian councils which ended up in some cases conflicting with the military councils established by the revolutionaries<sup>38</sup>.

Gradually, the old notion of *hukama'* changed and came to include all the elements of the local leadership including professionals and up and coming *thuwwar*. At the end of the day, their role in the pacification of the country could not be overstated: their negotiated agreements often included some kind of 'peace-keeping' role by the government and the long term solution to many of the disputes they had to solve rested on the establishment of an efficient system of transitional justice which was put in place with too little resources and too late in December 2013. The government, on its part, was not a neutral entity and therefore could not play effectively its peace-keeping role<sup>39</sup>.

The mistakes made during the initial stage of the transition strongly impacted on its chances to lead toward the kind of democracy that many revolutionaries had hoped for. Militias were not demobilized, on the contrary they were allowed to colonize government and share (with increasing conflicts) its resources and power. Politically and institutionally, the country was ruled by an archipelago of informal structures like the local councils or the *Hukama'*, with the central government's authority often being what was left out of the control of all these actors.

Nevertheless, the first year after the fall of Gaddhafi did provide some rays of hope. Despite increasing contestation from Cyrenaican 'federalists' who threatened to boycott the voting in the East of the country and amid international fears that the Libyan bureaucratic structure would not be able to carry them out, relatively successful elections were held in July

<sup>38</sup> International Crisis Group, *Divided We Stand: Libya's Enduring Conflicts*, in «Middle East North Africa Report», n. 130, 14 September 2012.

<sup>39</sup> Author's interview with Christopher Thornton, *Humanitarian Dialogue*, Tripoli, 9 May 2014.

2012 for the General National Congress (GNC). Turnout was relatively high, incidents at polling stations rare and the outcome was a fairly pluralistic, gender-balanced and not Islamist-dominated parliament<sup>40</sup>.

In the summer of 2012, oil production got back to the pre-war level, providing the necessary economic lifeline to the government's budget. Despite the above-mentioned mistakes by the NTC, some ingredients for a successful transition were still there. Potentially, the oil and gas revenues gave Libya enough resources to avoid the social unrest of Tunisia. The absence of a strong structure from the old regime was an advantage if compared to Egypt. Libya lacked the strong divide between Islamists and the more secular trends that existed in its neighbouring countries.

The GNC was tasked mostly with choosing between appointing a constitutional drafting committee or approving a law for popular elections for it. It opted for the second, but it took more than a year to decide the electoral law for the Constitutional Drafting Assembly. The country remained for far too long without a shared document setting the rules of the game. These were written and rewritten every day according to the power balance decided on the ground by the different militias<sup>41</sup>.

The approval of the Political Isolation Law on 5 May 2013 demonstrated to militias that if they put physical pressure on parliament they could force to fire some of its most important leaders. Also, the Political Isolation Law inaugurated a series of moves by the different political actors shaped by a zero-sum logic in which there was no real room for pluralism or power-sharing. Ultimately, the Isolation Law was a *coup d'état à la libyenne* in which political institutions and resources were the goal and militias rather than the official army were the main agent.

The law brought into the open field the struggle for the revolutionary legitimacy. In this case a specific component of the anti-Gaddafi's front was targeted: those who had remained in Libya under Gaddafi and had eventually found some kind of accommodation, either in the early days of his 'revolution' or in its last stage when his son Saif al-Islam had a greater role and more 'technocrats' had been brought in<sup>42</sup>.

The Political Isolation Law proved all the more destructive and divisive

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<sup>40</sup> For an example of this optimism, see D. VANDEWALLE, *After Qaddafi*, «Foreign Affairs», November 2012, <<http://www.foreignaffairs.com/articles/138123/dirk-vandewalle/after-qaddafi>> (last access 30.11.2014).

<sup>41</sup> On Libya's constitutional process, see K. MEZRAN, D. PICKARD, *Negotiating Libya's Constitution*, The Atlantic Council, Washington, 22 January 2014, <<http://www.atlanticcouncil.org/publications/issue-briefs/negotiating-libya-s-constitution>> (last access 30.11.2014).

<sup>42</sup> LACHER, *Fault Lines of the revolution*, cit., p. 13.

because there was no parallel process of transitional justice nor any constitution-drafting mechanism in place. Elections for the Constitutional Drafting Assembly were finally held only on 20 February 2014, almost two and a half years after the overthrow of Gaddhafi and just while Egypt was approving its second post-regime constitution and Tunisia had reached a crucial compromise on the final draft of its democratic constitution. Not only Libya was lagging behind, but its polity was already torn by conflicting forces which used political violence to achieve their ends. The very low turnout and the lack of popular attention for these elections served to show how far down Libya had gone since the parliamentary elections of July 2012.

#### *4. Going backwards, but in a different way*

While the constitutional transition lagged behind and lacked popular support, the window of opportunity of 2012 had shut. Starting from the summer of 2013, oil production had slowed down because of a series of strikes by the workers of the energy sector and for the blockade of oil fields and ports carried out by a wide range of groups. The most relevant of these was headed by Ibrahim Jadhraan who was a member of the oil fields guards and a self-appointed leader of the 'federalist' movement that advocated a different division of the oil revenues and more political autonomy for Cyrenaica.

The opportunities opened by the oil blockade were soon understood by other groups throughout Libya: anyone with enough firepower could blackmail the weak government in Tripoli by threatening to stop oil production in the territory under its control. The oil crisis soon became a budgetary crisis as almost all of the Libyan government revenues were the result of oil production.

Simultaneously, Libya started to feel the shockwaves of the Egyptian coup of July 2013. The country increasingly became divided between those siding with the Muslim Brotherhood (or, as in the case of the Misratan militias, having a strategic alliance with it) and those opposing it. The GNC had increasingly come under Islamist control, not just by the Muslim Brotherhood but also by a more complex grouping named Wafa Bloc which included also Salafists. This was not exclusively the result of the Political Isolation Law, but also a consequence of the large share of independent members of parliament who came to sympathize with Islamist positions<sup>43</sup>.

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<sup>43</sup> *Ivi.*



This diverse Islamist-leaning majority of the GNC increasingly fought against Prime Minister Ali Zeidan, who was a technocrat coming from the diaspora, lacking a clear personal power-base in Libya and relying mostly on the support of the Zintan militias that opposed the Muslim Brotherhood. The GNC tried to unseat Zeidan with a motion of non-confidence almost without interruptions between August 2013 and January 2014, adding a conflict between two weak institutions (government and parliament) to the Libyan chaos. This reached its peak in the autumn of 2013.

On 10 October 2013, Zeidan was kidnapped in the hotel room where he lived in Tripoli by a government funded militia called 'Libyan Revolutionary Operation Room', close to the new Speaker of Parliament Abu Sahmein<sup>44</sup>. He was liberated after a few hours thanks to the intervention of another militia, showing once more the inherent weakness of the Libyan government and the absence of a neutral and effective army.

The spring of 2014 would lay the ground for the fighting and the de facto partition of the country that occurred in the summer. On 14 February, renegade general Khalifa Hefter read a statement on TV in which he declared an armed uprising and suspended the authority of the GNC and of the government. Ridiculed at the time, he would come back in due time. Meanwhile, oil production was extremely low and government salaries (including those of the militias) were paid by tapping into the reserves of the Central Bank<sup>45</sup>.

The oil blockade was partially and very gradually lifted only starting from the agreement struck on 6 April by Ibrahim Jadhnan and tribal elders acting on behalf of the central government headed at the time by Abdullah Al Thinni<sup>46</sup>. The agreement included measures that would actually increase transparency in the oil sector along with rewards to militia power and impunity such as the payment of arrears in salaries, including the months in which the oil guards had in fact blockaded the oil facilities they were supposed to safeguard.

The GNC opposed the deal while some elements of the Al Thinni

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<sup>44</sup> *Libyan prime minister seized by armed men*, in *Al Jazeera English*, 10 October 2013, <<http://www.aljazeera.com/news/africa/2013/10/libyan-pm-ali-zeidan-kidnapped-by-armed-men-2013101042630477468.html>> (last access 30.11.2014).

<sup>45</sup> W. PUSZTAI, *Libya: A Country on the Brink. Root Causes of the Current Situation and Possible Solutions*, ISPI, Policy Brief, n. 226, March 2014, <[http://www.ispionline.it/sites/default/files/pubblicazioni/pb\\_226pusztai\\_2014\\_0.pdf](http://www.ispionline.it/sites/default/files/pubblicazioni/pb_226pusztai_2014_0.pdf)> (last access 30.11.2014).

<sup>46</sup> For more on the 6 April agreement, see <<http://www.libya-analysis.com/libyan-rebels-and-government-agree-to-gradually-reopen-occupied-oil-ports/>> (last access 30.11.2014).

government openly supported it, a first representation of that split that would lead to the creation of two opposite coalitions in the summer: 'Dignity' started in mid-May by Khalifa Heftar in the east and grouping elements of the old army, the Zintani militias, members of parliament close to the National Forces Alliance, the Al Thinni government and the federalists; 'Dawn' created in June and grouping the Misratan militias, other militias of Islamist-leanings, part of the ethnic minorities and what was left of the GNC and a loose alliance with Ansar al Sharia, an armed organization included by the US in their list of terrorist groups.

Under pressure from the Dignity operation and with extremely low popular support, the old parliament dissolved and new elections were called for 25 June. The UN Special Mission in Libya (UNSMIL) headed by the Lebanese Tariq Mitri failed to strike a compromise before the vote was held. Turnout was again low, though higher than in the election for the Constituent Assembly. No party lists were allowed, but the consensus among analysts and international media was that the Islamists had done even worse than in 2012<sup>47</sup>.

Immediately after the elections, violent fighting erupted in Tripoli, involving at first the airport and then large parts of the city. The new parliament, renamed House of Representatives, decided to meet in Tobruk, in the heartland of operation Dignity. Boycotted initially by the Muslim Brotherhood and by deputies from Misrata, the House would soon lose almost half of its members and be reduced to a 'rump parliament', recognized by the West but with no authority over the ministries or the central bank in Tripoli, which by the end of the summer was completely under control of the Dawn coalition<sup>48</sup>.

By the last quarter of 2014, Libya had fully entered the regional confrontation between the UAE, Egypt and Saudi Arabia on one side, Turkey, Qatar and the Muslim Brotherhood on the other side. Regional powers fought in Libya mostly by proxy: the Dignity operation, more and more overlapping with the structures of the government sitting in Tobruk, received backing from the first regional coalition while the Dawn coalition set up its government in Tripoli where it also resumed the meetings of what remained of the old GNC, with backing from Qatar and Turkey.

Sometimes, the involvement of regional powers would be more direct

<sup>47</sup> R. JAWAD, *Libyan elections: Low turnout marks bid to end political crisis*, BBC, 26 June 2014, <<http://www.bbc.co.uk/news/world-africa-28005801>> (last access 30.11.2014).

<sup>48</sup> F. WEHREY, W. LACHER, *Libya's Legitimacy Crisis*, in «Foreign Affairs», 6 October 2014, <<http://www.foreignaffairs.com/articles/142138/frederic-wehrey-and-wolfram-lacher/libyas-legitimacy-crisis>> (last access 30.11.2014).

as for the repeated rumors of Egyptian and Emirati air strikes on the positions of the Dawn coalition. While these were never confirmed before this book went to press, the role of both Egypt and the UAE in the Dignity coalition was an open secret<sup>49</sup>.

### *5. A Second Libyan Civil War?*

It would be far too easy and simplistic to say that the failure of Libya's transition is a result of a botched NATO and Arab League intervention in 2011 or a consequence of the regional confrontation over the future of political Islam. Particularly between the end of NATO's intervention in October 2011 and the events of the summer 2014, the management of Libya's transition was left mostly to the Libyan elites.

Those who managed Libya after the end of Gaddhafi's regime had an impossible task to begin with: a country awash with weapons because of the civil war and because of the vast arsenals that the dictator had bought in his 42 years in power, which were mostly ransacked and distributed among different militias during the fighting; an inexistent government structure; the absence of monopoly of force, even before the collapse of the regime.

The regional turmoil that had its epicenters in Syria, Iraq and, to a different extent, in Egypt, had a profound impact on events in Libya, exacerbating what were essentially domestic tensions through regional support to different coalitions within Libya. This was matched by an initially weak reaction by Europeans and Americans.

Since the end of 2011, Western intervention in the country had emphasized «local ownership» of the transition, «capacity building» by the Libyans and an agenda set by the Libyan government. Unfortunately, no one could really speak for the whole country. When the crisis deepened, the US and Europe insisted on looking for a single interlocutor while failing to find one.

Ultimately, amid a violent regional confrontation and western fatigue for Middle East intervention, Libya collapsed under the weight of its past. The 'stateless society' could not, at least in the first years after Gaddhafi's death, build neither a democracy nor a government working under the

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<sup>49</sup> M. FITZGERALD, *Libya's New Power Brokers?*, in «Foreign Affairs», 27 August 2014, <[http://www.foreignpolicy.com/articles/2014/08/27/libyas\\_new\\_power\\_brokers\\_airstrikes\\_egypt\\_uae](http://www.foreignpolicy.com/articles/2014/08/27/libyas_new_power_brokers_airstrikes_egypt_uae)> (last access 04.02.2015).

rule of law. Libya's Islamists, who had thought that their marginalization would come to an end with the demise of the old regime, were again fighting for their survival; new contingents of Libyans fled to Tunisia and to Europe. The conflict between the centre and the periphery, a constant even before Gaddhafi, was now at its peak with the existence of two alternative governments (one in Tripoli and one in Tobruk), neither of which had real control over the periphery. Intermediate bodies and civil society struggled to survive amid violence, blackmail and political assassinations.

Perhaps, a starting point will be recognizing that Libya did not have a revolution, but rather a civil war and therefore needs the kind of healing and bridge building that such a tragedy implies rather than the struggle for revolutionary legitimacy that we have witnessed so far<sup>50</sup>.

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<sup>50</sup> A. VARVELLI, *Last Chance for Libya: Libyan Factions and International Actors*, ISPI (Istituto per gli Studi di Politica Internazionale), 15 October 2014, <<http://www.ispionline.it/it/pubblicazione/last-chance-libya-libyan-factions-and-international-actors-11395>> (last access 30.11.2014).

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